

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

Tammy Barker, Timothy Robert Barker, and)	
Melisa Merryman, on behalf of themselves)	
and on behalf of those similarly situated,)	
)	
Plaintiffs,)	Case No. 08 C 50015
)	
v.)	Judge Kapala
)	Magistrate Judge Mahoney
Local 150, International Union of)	
Operating Engineers, AFL-CIO,)	Trial by Jury Demanded
)	
Defendant.)	

AFFIDAVIT OF TIMOTHY ROBERT BARKER

TIMOTHY ROBERT BARKER, being duly sworn, deposes and states under oath as follows:

1. My name is Timothy Robert Barker. I am of legal age. I have personal knowledge of the facts contained in this affidavit and if called as a witness, I am competent to testify thereto.

2. This affidavit is offered in connection with Plaintiffs' Motion for Preliminary Injunctive Relief and supporting memorandum in the above captioned case. This affidavit does not contain all of the facts that I know or believe about such case, but is directed to those facts that I believe are pertinent to the aforementioned motion.

3. I have resided in the State of Illinois since 1975 or thereabouts.

4. I have been the owner of a motor vehicle registered in Illinois since 1983 or thereabouts.

5. I have been the holder of an Illinois driver's license since 1983 or thereabouts.

6. I have never provided my home address – in writing or otherwise – to Local 150, International Union of Operating Engineers, AFL-CIO (“Local 150”), including any of its agents.

7. Certain agents of Local 150 have been present in vehicles just outside my and my family’s home on or about May 5th 2005. It is my belief and recollection that such agents first appeared outside of my home without having followed me to my home from another location.


8. I have never provided Local 150 with consent – written or otherwise – to obtain, possess, use, or disclose any information about me, including any information about me contained in motor vehicle records, including but not limited to my name, address, and driver’s license number.

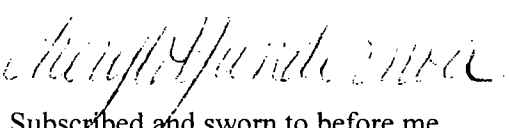
9. I have never provided the State of Illinois, including the Illinois Secretary of State, with consent – written or otherwise – to disclose any information about me to Local 150, including any information about me contained in motor vehicle records, including but not limited to my name, address, and driver’s license number.

10. I did not become aware that Local 150 had obtained or possessed motor vehicle records containing information about me until January 11, 2008 or thereabouts.

FURTHER AFFIANT SAYETH NAUGHT.

Dated: August 14, 2008


Timothy Robert Barker


Subscribed and sworn to before me
this 14th day of August, 2008.

